

**EXPLANATORY MEMORANDUM TO THE
EDUCATION (SCHOOL PERFORMANCE TARGETS) (ENGLAND)
(AMENDMENT) REGULATIONS 2004**

2004 No. 3323

1. This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This Statutory Instrument amends the School Performance Targets (England) Regulations 2004 to insert wording accidentally omitted from those Regulations. The wording clarifies that targets in respect of pupils in the third key stage should be set in the school year before the pupils are due to take the National Curriculum tests.

3. Matters of special interest to the [Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments]

3.1 This Statutory Instrument is being laid before Parliament for less than the 21 days usually allowed for scrutiny. This is because under the Regulations, schools are required to set their targets by 31 December. We therefore need to correct the error as soon as possible and before the December deadline.

4. Legislative Background

4.1 Section 19 of the Education Act 1997 gives the Secretary of State power to require governing bodies of schools to set and publish targets in respect of pupil performance in public examinations and National Curriculum assessment.

4.2 These regulations amend the Education (School Performance Targets) England Regulations 2004.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

The Minister, Stephen Twigg has made the following statement under section 19(1) (a) of the Human Rights Act 1998:

In my view the provisions of the Education (School Performance Targets) (England) (Amendment) Regulations 2004 are compatible with the Convention rights

7. Policy background

7.1 The Education (School Performance Targets) (England) Regulations 2004 set out requirements for schools to set targets in respect of pupil achievement in the

National Curriculum tests at Key Stages 2 and 3 and in respect of achievement in external qualifications at 15. Schools are required to set these targets by 31 December in the school year before pupils are due to take the National Curriculum tests as has been the practice for several years. Wording was accidentally omitted from regulation 4 of the Education (School Performance Targets) (England) Regulations 2004 so that the requirement to set the targets in respect of Key Stage 3 pupils a year in advance was not clear. This Statutory Instrument seeks to correct that error.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies

8.2 The impact on the public sector is minimal.

9. Contact

Lorna Serieux at the Department for Education and Skills Tel: 020 7925-6703 or e-mail: lorna.serieux@dfes.gsi.gov.uk can answer any queries regarding the instrument.